THE HON'BLE SRI JUSTICE K.C.BHANU

WRIT PETITION No. 15751 of 2005

Date: 14.09.2005

Between:

1) J.Ramachandra Rao, s/o. J.Venkata Rao,

Kapavaram road, Korukonda-533289,

East Godavari district & 2 others

…Petitioners

and

1)The District Collector, East Godavari

district, Kakinada & 2 others

…Respondents

ORDER:

Since none appeared for the petitioners on 20.08.2005, the matter is posted to today.

The relief sought for in this Writ Petition is to declare action of the respondents in constructing check-dam near the petitioners' agricultural land situated in Survey no.63, Kapavaram village,

Korukonda mandal, East Godavari district and restrain them from constructing the check-dam.

Apprehending that if the check-dam is constructed, excess water will flow over the petitioners' land resulting in soil erosion and washing away the topsoil of the land, the present Writ Petition is filed. There is no basis for arriving at such a conclusion at this stage because there is no factual foundation therefor. So also, there is no infringement of legal right of the petitioners. In the absence of any violation of rules or infringement of legal right, the relief prayed for in this Writ Petition can not be granted.

The Writ Petition is, accordingly, dismissed. No costs.

(K.C.Bhanu, J.)

14.09.2005

DRK